

HCS HB 136 -- AMATEUR SERVICE COMMUNICATIONS

SPONSOR: Spencer

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Government Oversight by a vote of 10 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 10 to 3.

This bill prohibits the use of deeds, restrictive covenants, or other contractual obligations involving land to impede the use of amateur service communications as defined in federal law. Reasonable accommodation for such services is required and any restrictions must be minimal and imposed in order to serve legitimate purposes. Homeowner's associations may adopt reasonable, written rules involving height, location, size, aesthetics, and installation practices and can prohibit the use of equipment in common areas not under the exclusive control or a licensed amateur radio user. Restrictions on amateur service communications based on historic preservation are exempt from the requirements of the bill.

PROPOSERS: Supporters say that the bill is an important health and safety measure that will ensure redundancy in communication systems in the event of all sorts of natural or man-made disasters including severe weather conditions. Most amateur radio operators donate hundreds of hours of time performing useful tasks such as helping state and local fire and police in emergencies. Federal law regulates such amateur providers and is designed to allow them to function effectively.

Testifying for the bill were Representative Spencer; Douglas Allen; Jay Underdown; Ward Silver; Randal Schulze; Raytown Amateur Radio Club, Inc.; Gary Vaught; James Adkins, Nixa Amateur Radio Club, Inc.; John Beatty; Joseph Betros; Bruce Bielby; James Biggerstaff; Michael Blake; Sterling Shannon Coffey; Daniel Cole; Glenn Commons; James Craft; Anthony DeWitt; Michael Dolson; Carl Dothage; Thomas Dronet; James Dumser; Patricia Flowers-Palmer; Matthew Griffin; Wade Grimes; Lawrence Gonnello Sr.; Kevin Hakenwerth; Richard Harkins; J. Sila Kissuu; David Martin; Joye McElwee; William McFarland; Jerry Miller; Michael Miller; Jacob Nagel; Carl Nelson; Todd Perkins; Rebecca Pierce; Kenneth Reeder; Brian Reynolds; Steven Pierce; Joseph Russell; Larry Scantlan; Theresa Schramm; Scott Schultz; Michael Schweiss; Jim Sellars; Goeffrey Sensel; Peter Sils; Richard Wade; John Wall; Paul Watts; Sally Weber; and Richard Young.

OPPOSERS: Those who oppose the bill say that homeowner's associations are not political subdivisions and should be allowed

to have some contractual rules. However, a reasonable compromise allowing some homeowner's associations control over the height, size, location, and installation practices of radio antennas and other equipment is acceptable.

Testifying against the bill was the Community Association Institute.

This bill is similar to HB 1951 (2016).